

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

PAUL PERKINS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-06-2405
	§	
MICHAEL J. ASTRUE,	§	
Commissioner of the Social Security	§	
Administration,	§	
	§	
Defendant.	§	

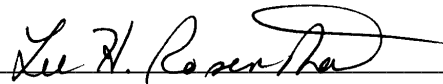
**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND  
REMANDING TO THE SOCIAL SECURITY ADMINISTRATION**

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on August 9, 2007 and has made a *de novo* determination of the Magistrate Judge's recommended disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). The Memorandum and Recommendation is adopted as this court's Memorandum and Order. Accordingly, the plaintiff's motion for summary judgment (Docket Entry No. 28) is granted in part and the defendant's motion for summary judgment (Docket Entry No. 24) is denied. This court finds and concludes that substantial evidence supports the Administrative Law Judge's determination that the plaintiff had the physical capacity to perform his prior work, but does not support the Administrative Law Judge's Finding that the plaintiff did not suffer from a "severe" mental impairment. This case is remanded under sentence four of 42 U.S.C. §

409(g) to allow the record on the issue of the plaintiff's mental impairments to be developed fully and to allow the Administrative Law to render a decision supported by substantial evidence.

This case is remanded under sentence four of 42 U.S.C. § 409(g).

SIGNED on August 30, 2007, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal  
United States District Judge